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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO. 0635MH-40894

In re Application of:

FREDERICK HERZ ET AL.

Serial No. 08/551,198

Filed: 31 OCTOBER 1995

For: **SYSTEM FOR CUSTOMIZED ELECTRONIC IDENTIFICATION OF DESIRABLE OBJECTS**

**PETITION TO WITHDRAW NOTICE OF ABANDONMENT AND ALTERNATIVE
PETITION TO REVIVE UNDER 37 C.F.R. 1.137(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant did not receive the enclosed "Notice of Non-Compliant (Voluntary Revised Practice)."

CERTIFICATE OF MAILING 37 CFR § 1.8(a)	
I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail service under 37 C.F.R. § 1.8(a) on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Date of Deposit: 12-10-03	By: <i>Jessica L. Alhustine</i>

12/17/2003 AXONDAF1 00000009 08551198

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665.00 OP

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DEC 18 2003
OFFICE OF PETITIONS

Applicant became aware of the notice after having an agent in Washington, D.C. check the status of the application.

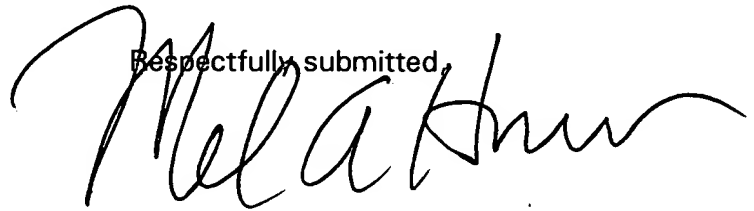
Accordingly, Applicant requests that the notice of enclosed response be received and accepted as timely.

Alternatively, in the event the application is abandoned, Applicant requests revival.

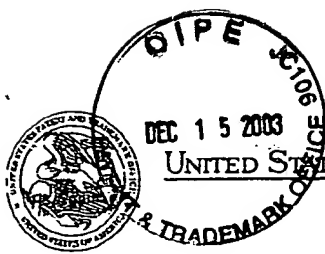
Enclosed find a set of claims with the required "claim identifiers."

Applicant respectfully petitions the Assistant Commissioner to revive the subject application under 37 C.F.R. 1.137(b) on the basis that the delay in responding to the Office Action mailed 27 May 2003 and in filing this petition to revive was unintentional.

Enclosed is a check in the amount of \$665.00 for the Petition to Revive. Please charge any additional fees to our Deposit Account No. 50-1060. A duplicate of this petition is enclosed for this purpose.

Respectfully submitted,


Melvin A. Hunn
Reg. No. 32,574
Hill & Hunn LLP
201 Main Street, Suite 1440
Fort Worth, Texas 76102
(817)332-2113
ATTORNEY FOR APPLICANT(S)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/551,198	10/31/1995	FREDERICK S. HERZ	6099/002	3864

7590

05/27/2003

Melvin A. Hunn
HILL & HUNN, LLP
201 Main Street
Suite 1440
Fort Worth, TX 76102

HILL & HUNN LLP

OCT 10 2003

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 05/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

DEC 15 2003

Paper No.

Notice of Non-Compliant Amendment (Voluntary Revised Practice)

The amendment filed 5/13/03 under the voluntary revised amendment practice guidelines¹, published in the Official Gazette on February 25, 2003 (*Amendments in a Revised Format Now Permitted*, 1267 Off. Gazette 106), does not fully comply with minimal requirements of the voluntary practice. In order for the amendment to be entered, it must either (1) comply with the guidelines of the voluntary revised amendment practice (which practice invokes waivers of certain 37 CFR 1.121(a)-(d) requirements) or (2) comply with current 37 CFR 1.121 requirements.

THE FOLLOWING ITEM(S) IN APPLICANT'S AMENDMENT CAUSES THE AMENDMENT TO BE NON-COMPLIANT WITH THE VOLUNTARY REVISED AMENDMENT PRACTICE.

- ☐ 1. A complete listing of all of the claims is not present in the amendment paper.
- ☐ 2. The listing of claims does not include the text of all claims currently under examination.
- ☐ 3. The claims of this amendment paper have not been presented in ascending numerical order.
- ☐ 4. Each claim has not been provided with a status identifier, and, as such, the individual status of each claim cannot be determined.
- ☒ 5. Other: Claim 35 has no status identifier. The status identifiers for claims 36-46 are incorrect.

LIE: Check one of the following boxes:

- ☒ **PRELIMINARY AMENDMENT:** Applicant is given ONE MONTH from the mail date of this letter to re-submit the amendment in compliance with either the guidelines of the revised amendment practice or current 37 CFR 1.121. Failure to comply with either the current 37 CFR 1.121 practice or with the voluntary practice will result in non-entry of the amendment and examination on the merits will commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☐ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be a *bona fide* response, applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit an amendment which complies with either the voluntary practice guidelines or current 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

Team Leader

¹ For further explanation of the guidelines of the revised amendment format, please see the posted notice and sample amendment format at: <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf> and <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/formatrevamdtprc.pdf>

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March 26, 2003